

The State of Maharashtra Applicant.
(Orig. Complainant)

 V/s

Shashikant Sadan Tirmare Respondent.
(Orig. Accused)

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Mr. Y.S. Shinde, APP for the State.

None for the respondent.

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CORAM: V.M. KANADE, J.
DATE : 18th September, 2007

P.C.:

1. Heard the learned APP appearing on behalf of the State.
2. State is challenging the judgment and order passed by the Judicial Magistrate, First Class, Miraj who, by his order dated 27th October, 2005 was pleased to acquit the accused of the offence punishable under section 392 of the Indian Penal code.
3. The prosecution case is that the accused came on a bicycle and gave a dash to the complainant and took away

an amount of Rs 101/- and a telephone diary from the pocket of the complainant. He was arrested on the spot and, thereafter, a seizure panchanama was made wherein this amount and a telephone diary was found on the person of the accused. The complainant could not be examined since he had died during the pendency of the case. The other witnesses were not eye witnesses. The Trial Court has disbelieved the pancha witnesses on the ground that they are habitual panchas and has observed that the prosecution has not proved its case beyond the reasonable doubt.

4. In my view, there is no reason to interfere with the impugned order passed by the trial court. Leave to file appeal is refused. Application is accordingly dismissed.

(V.M. KANADE, J.)

